

224.01-410 Methamphetamine contamination -- Standards and procedures for assessment and decontamination of inhabitable properties.

- (1) The General Assembly finds that properties contaminated with hazardous chemical residues created by the manufacture of methamphetamine endanger innocent members of the public due to exposure to these residues where properties are not properly decontaminated prior to the subsequent rental, sale, or use of the properties. Remediation of properties has been frustrated by a lack of comprehensive standards and procedures for decontamination of properties found to have been involved with methamphetamine production. The purpose of this section where law enforcement has found evidence of the manufacture of methamphetamine is to protect the public health, safety, and welfare by providing specific cleanup standards and procedures.
- (2) As used in this section, the following definitions shall apply:
 - (a) "Inhabitable property" means any building or structure and any related curtilage, water, water system, or sewer system used as a clandestine methamphetamine drug lab that is intended to be primarily occupied by people, including a mobile home, that may be sold, leased, or rented for any length of time. "Inhabitable property" shall not include a hotel, as defined in KRS 219.011;
 - (b) "Surface material" means any porous or nonporous substance common to the interior of a building or structure, including but not limited to ceilings and walls, window coverings, floor and floor coverings, counters, furniture, heating and cooling duct work, and any other surface to which inhabitants of the building or structure may be exposed; and
 - (c) "Related hazardous material or hazardous waste" means any hazardous waste as defined in this chapter or hazardous material as defined in KRS 174.405 that is related to the clandestine production of methamphetamine.
- (3) The decontamination standard for methamphetamine inside inhabitable property is less than or equal to one-tenth of one (0.1) microgram of methamphetamine per one hundred (100) square centimeters of surface material, unless the cabinet promulgates an administrative regulation providing for a different standard. The cabinet may provide for other standards by administrative regulations as follows:
 - (a) Standards for precursors to methamphetamine that are consistent with the standard for methamphetamine or standards for related hazardous material or hazardous waste; and
 - (b) The number and locations of surface material samples to be collected based on the circumstances of the contamination and acceptable testing methods.

In the absence of an administrative regulation as described in paragraph (b) of this subsection, at least three (3) samples must be collected from the surface material most likely to be contaminated at each property.
- (4) (a) Only contractors certified by the Environmental and Public Protection Cabinet shall be authorized to conduct the decontamination services for inhabitable properties. The cabinet shall maintain a list of vendors and contractors with

current certification to provide decontamination services. In order to become a certified contractor, a contractor shall:

1. Register with the cabinet;
 2. Post a surety bond or obtain other financial assurance in the amount of five hundred thousand dollars (\$500,000);
 3. Provide a certificate issued by an insurance company licensed to do business in Kentucky, certifying that the contractor has a public liability insurance policy in an amount deemed sufficient by the cabinet for any personal or property damages that might occur to third parties arising from the performance of decontamination services for inhabitable properties by the contractor or his or her employees or agents;
 4. Certify that decontamination will be performed safely and in accordance with 803 KAR 2:403; and
 5. Certify that each cleanup conducted meets the decontamination standard required by subsection (3) of this section.
- (b) Upon registration, the Environmental and Public Protection Cabinet shall either accept or deny the contractor's certification. The cabinet may revoke the certification of any contractor for cause and may collect the forfeited financial assurance of any contractor found to be in violation of this section. Forfeited financial assurance may be used by the cabinet to decontaminate inhabitable properties.
- (c) The cabinet may promulgate administrative regulations to establish standards and procedures for contractor certification and to establish reasonable fees to implement this section.
- (5) When a state or local law enforcement agency becomes aware that an inhabitable property has been contaminated by its use as a clandestine methamphetamine drug lab, the agency shall, the day that it becomes aware of the contamination, report it by fax or e-mail to the local health department.
- (6) Upon receipt of a fax or e-mail referring to an inhabitable property provided by a state or local law enforcement agency under subsection (5) of this section, a local health department shall act to protect the public from health hazards posed by methamphetamine contamination of inhabitable property. To carry out this responsibility, a local health department shall rely on its powers under KRS Chapter 212 to post a notice of methamphetamine contamination on each exterior door of the inhabitable property, except in the case of a multifamily housing unit. In that case, the local health department shall post a notice of methamphetamine contamination on each entrance door to that unit. The notice shall warn the public of the health hazards posed by the methamphetamine contamination of the inhabitable property.
- (7) To effect the provisions and promote the purposes of this section, the Environmental and Public Protection Cabinet, the Cabinet for Health and Family Services, and the Justice and Public Safety Cabinet shall integrate their efforts with

other state agencies to provide information and training to the public about the health hazards associated with methamphetamine laboratories.

- (8) The Environmental and Public Protection Cabinet, the Cabinet for Health and Family Services, and the Justice and Public Safety Cabinet shall pursue funds from the federal government, through grants or any other funding source, to help pay for the cost of assessment and decontamination of inhabitable properties.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 83, sec. 1, effective June 26, 2007.

Legislative Research Commission Note (6/26/2007). 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.

Legislative Research Commission Note (6/26/2007). A manifest clerical or typographical error in subsection (6) of this section has been corrected by the Reviser of Statutes under the authority of KRS 7.136.

Legislative Research Commission Note (6/26/2007). The numbering of subsections in this section has been altered from the numbering of 2007 Ky. Acts ch. 83, sec. 1, by the Reviser of Statutes under the authority of KRS 7.136.